Motion and Order to Show Cause for Violating Valid Personal/Foreign Protection Order

Use this form if the respondent did not follow your valid personal or foreign protection order. This form asks the court to make the respondent come to court to answer for breaking the order.

When you fill out this form, you are asking the court to schedule a hearing. You must sign the form in front of a notary public.

Step 1: Fill in the case number only if you are filing this form in the same court that gave you your personal protection order. If you are filing with a different court, you must include a copy of your personal protection order and proof that the respondent was given the order.

Step 2: Write the petitioner's name and the respondent's name exactly as they appear on your protection order (Form CC 376 or CC 380).

Step 3: Write the date your personal protection order was signed. You can find this date on your order. If your personal protection order was not issued in Ottawa County, attach a copy of the order. You must also include proof that the respondent received the order or was told about it.

Step 4: On the attached page, explain how the respondent broke the personal protection order. Give as many details as you can. Attach any papers, pictures, or other proof that supports your request.

Step 5: Take your completed forms and all copies to the Clerk's Office in Grand Haven (Courthouse) or West Olive (Family Justice Center). You can sign your forms in front of a court clerk as they are notaries.

Step 6: On the **Order to Show Cause for Violating a Valid Personal/Foreign Protection Order**, fill in the petitioner's and respondent's names, addresses, and phone numbers. The court will fill in the rest of the form.

Step 7: After you file your forms, the court will review them. If the judge signs the order, you must get the papers from the Clerk's Office. You can pick them up yourself or leave a self-addressed, stamped envelope so the clerk can mail them to you.

You must have the respondent served with the papers. You cannot serve the respondent yourself. Another adult or a process server must give the papers to the respondent in person or send them by certified, registered mail. The respondent must get the papers at least 7 days before the hearing.

State of Michigan 20th Circuit Court – Family Division Ottawa County	Motion to Show Cause for Violating Valid Personal/Foreign Protection Order	Case Number

12240 Fillmore St, Rm 50, West Olive, MI 49460 616-846-8315

Petitioner's Name, Address, and Phone No:		Respondent's Name, Address, and Phone No:
	V	

Affidavit and Motion

1. I am the protected party in a valid personal/foreign protection order dated _____ and issued by the 20th Circuit Court. **Attached is a copy of that order and either proof of service on or notification to the respondent of that order.**

2. The respondent has violated the order by doing the following:
   Explain what has happened and includes dates, times, and events (attach any supporting documents, such as a complaint with the police.)

   See Attached.

3. I request the court to order the respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the respondent.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts of this affidavit.

_____
Signature

Subscribed and sworn to before me on _____
Date

_____
Deputy clerk/Notary public signature

My commission expires on _____, _____
Name (type or print)

Notary public, State of Michigan, County of _____. ☐ Acting in the County of _____.
☐This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

State of Michigan 20th Circuit Court – Family Division Ottawa County	Order to Show Cause for Violating Valid Personal/Foreign Protection Order	Case Number

12240 Fillmore St, Rm 50, West Olive, MI 49460 616-846-8315

Petitioner's Name, Address, and Phone No:		Respondent's Name, Address, and Phone No:
	V	

The court has reviewed the motion to show cause dated _____ and

IT IS ORDERED:

1. The respondent shall appear before the court on _____ at _____ at
   Date Time
   _____ to show cause why the respondent
   Location
   should not be held in ☐ criminal ☐ civil contempt for violating a valid personal/foreign protection order. Failure to appear for this contempt hearing may result in a bench warrant being issued for the respondent's arrest. The petitioner shall have this motion and order served by a legally competent adult on the respondent at least 7 days before the hearing date.

2. ☐ The petitioner shall appear ☐ personally ☐ by zoom to give evidence of the alleged violation.

   The Court finds there is probable cause to believe that on or about _____, in the City/Township/Village of _____, County of Ottawa, State of Michigan, the Respondent violated the Personal Protection Order previously served on the Respondent by committing one or more of the following:

   ☐ a. Stalking behavior which includes:
   _____ Following or appearing in sight of the protected person
   _____ Approaching or confronting the protected person in a public place or on private property
   _____ Appearing at workplace/residence of the protected person
   _____ Contacting the protected person by telephone
   _____ Sending mail or electronic communications to the protected person
   _____ Placing an object on, or delivering an object to property owned, leased, or occupied by the protected person

   ☐ b. Entering onto premise at: _____

   ☐ c. Assaulting, beating, molesting or wounding: _____

   ☐ d. Threatening to kill or physically injure: _____

   ☐ e. Removing minor children from the individual having legal custody of the children

☐ f. Interfering with the petitioner's efforts to remove petitioner's children or personal property from premise that are solely owned or leased by the individual to be restrained or enjoined

☐ g. Interfering with the petitioner at the petitioner's place of employment or engaging in conduct that impairs the petitioner's employment relationship or environment

☐ h. Engaging in the following acts or conduct which imposes or interferes with personal liberty or that cause a reasonable apprehension of violence:

_____

_____

☐ i. Purchasing or possessing a firearm

☐ j. Any other act or conduct specified by the Court in the Personal Protection Order:

_____

☐ A bench warrant shall be issued for the respondent's arrest to answer a criminal contempt charge for violating a valid personal/foreign protection order.

☐ The motion and order to show cause is denied.

_____

Judge signature and date

In regard to the PPO violation show cause hearing:

You have the right to have a hearing in regard to the PPO violation allegation.
You have the right to be represented by an attorney at the hearing.
If the court determines that a jail sentence is a possibility you may request a court appointed attorney.

The maximum penalties are:
1. 93 days of incarceration and/or
2. A fine of not more than $500.00, plus costs.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the motion and order to show cause for violating valid personal/foreign protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I personally served a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with the attachments listed below, and have been unable to complete service on:

Respondent's name	Date and time of service
Place or address of service	
Attachments (if any)	

I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
$		$	
Incorrect address fee	Miles traveled	Fee	**TOTAL FEE**
$		$	**$**

_____
Signature

_____
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the motion and order to show cause for violating valid personal/foreign protection order, together with

_____ .
Attachments (if any)

_____
Date and time

_____
Respondent's signature

_____
Name (type or print)